

# State of California, State Water Resources Control Board

Division of Water Rights

P.O. Box 2000, Sacramento, CA 95812-2000

Info: (916) 341-5300, FAX: (916) 341-5400 Web: <http://waterrights.ca.gov>

ELWRMS/BR

JUL 27 2009

S001586

2005, 2006, 2007

## SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FORM

### Owner(s) of Record:

JUSTIN M FAGGIOLI; N F PATTY

Notifying the Division of Water Rights of ownership or address changes is the responsibility of the claimant

Please Complete and Return This Form by JULY 1, 2008

### Primary Contact:

JUSTIN M FAGGIOLI  
377 MERK RD  
WATSONVILLE, CA 95076

Phone No. 831-724-3558

Fax No.

E-mail Address:

Source Name: DRY CREEK

Tributary To:

County: Tulare

Diversion within: SW 1/4 of NW 1/4 Section 11, T 17 S, R 27 E, MDB&M

Agent: Richard E. FAGGIOLI  
Address: 377 Merk Rd  
Watsonville, CA 95076

Phone No. 831 724-3558

Fax No. 831 724-8862

E-mail Address: refaggioli@msn.com

Year of First Use: 1900 1964

Name of Diversion works: Dry Creek

Assessor Parcel Number of the Diversion site: 064010018000

- A. **Water is Used Under:** Riparian claim ☒ Pre-1914 claim ☐ Court Decree No.:  Other (explain): which includes a recorded "ditch right" along the E side of Dry Creek
- B. **Year of First Use:** (Please provide if missing in the Division of Rights database (ewfms))

- C. **Rate of Diversion:** The rate of diversion of water for each month used and entered in the table below is shown in units of:  
Gallons per minute (gpm)  Gallons per day (gpd)  Cubic feet per second (cfs) 1

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Average Rate
2005	<u>2-3 cfs</u>											<u>3 cfs</u>	<u>2 cfs</u>
2006	<u>1</u>	<u>1</u>										<u>1</u>	<u>1</u>
2007	<u>1</u>	<u>1</u>										<u>1</u>	<u>1</u>

- D. **Quantity of Water Used:** The quantity of water used each month and entered in the table below is shown in units of:  
Gallons  Million Gallons (MG)  Acre-feet (AF) ☒

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2005	<u>180 AF</u>	<u>2 AF</u>										<u>40</u>	<u>270</u>
2006	<u>2 AF</u>	<u>2 AF</u>										<u>1</u>	<u>3</u>
2007	<u>2 AF</u>	<u>2 AF</u>										<u>1</u>	<u>2</u>

- E. **Purpose of Use** - Specify number of acres irrigated, stock watered, persons served, etc.  
Irrigation 5-10 ac acres; Stockwatering ☒ Domestic ☐  
Other (specify) enhance pasture for cattle grazing  
in "better" years we have baled hay  
none in the above period  
Parcel Number(s) of Place of Use: 064010018000

- F. **Changes in Method of Diversion** - Describe any changes in your project since your previous statement was filed.  
(New pump, enlarged diversion dam, location of diversion, etc.)

- G. Please answer only those questions below which are applicable to your project.

### 1. Conservation of water

- a. Are you now employing water conservation efforts? YES ☒ NO ☐  
Describe any water conservation efforts you have initiated: directly monitor drainage - to repair erosion by roads.
- b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved: NO

Reduction in Diversions:

Year  (AF/MG) Year  (AF/MG) Year  (AF/MG)

Reduction in consumptive use:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES \_\_\_\_\_ NO \_\_\_\_\_

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES \_\_\_\_\_ NO ☒
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

State the type of substitute water supply: \_\_\_\_\_

Amount of substitute water supply used:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES \_\_\_\_\_ NO \_\_\_\_\_

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES \_\_\_\_\_ NO ☒
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:
- Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)
- I have data to support the above surface water use reductions due to the use of groundwater. YES \_\_\_\_\_ NO \_\_\_\_\_

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: 6/30, 2008 at 377 Merkle Rd, Watsonville, California

SIGNATURE: Richard E. Faggon

PRINTED NAME: RICHARD E. FAGGON  
(first name) (middle initial) (last name)

COMPANY NAME: Bohm-Kaweah Ranch

ITEM \_\_\_\_\_

If there is insufficient space for your answers, please use the space provided below or add an attachment sheet.  
CONTINUATION

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. After the formation of the California Water Commission back on December 19, 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.



S001586% S%2004

2002, 2003, 2004

**SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE**

If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

**Please Complete and Return This Form by JULY 1, 2005.**

**\*If the mail recipient's name, address or phone No. is wrong or missing, please correct.**

**Owner of Record:** JUSTIN M FAGGIOLI; N F PATTY;

**PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING:**

**JUSTIN M FAGGIOLI**

**377 MERK RD**

**WATSONVILLE, CA 95076**

**STATEMENT NO.:** S001586  
**CONTACT PHONE NO.:** (831)724-3558

**Source Name:** DRY CREEK

**Tributary To:** KAWEAH RIVER

**County:** Tulare

**Diversion Within:** SW1/4 of NW1/4 Section 11, T17S, R27E, MB&M

**Year of First Use:** 1900

**Parcel Number:**

- A. **Water is Used Under:** Riparian claim ☒ Pre-1914 right ☐ Other (explain): which includes a recorded "ditch right" from weirs along E side of Dry Creek
- B. **Year of First Use:** (Please provide if missing above) \_\_\_\_\_
- C. **Amount of Use:** Enter the amount (or the approximate amount) of water used each month, using the table below.

Amounts below are in: Gallons													Million Gallons (MG)	Acre-feet (AF)	5-10	Other
Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual			
2002	if water in Dry Creek				5-10 ac ft - enhance				5-10 ac ft				0			
2003	high enough at weir				pasture for cattle				when water is water				0			
2004	cattle have been last				3 years				0				0			

- D. **Purpose of Use** - Specify number of acres irrigated/stock watered, persons served, etc.  
Irrigation ☒ See note above 5-10 acres; Stockwatering ☒ Domestic \_\_\_\_\_  
Other (specify) \_\_\_\_\_
- E. **Changes in Method of Diversion** - Describe any changes in your project since your previous statement was filed.  
(New pump, enlarged diversion dam, location of diversion, etc.) \_\_\_\_\_
- F. Please answer only those questions below which are applicable to your project.

**1. Conservation of water**

- a. Are you now employing water conservation efforts? YES ☒ NO ☐  
Describe any water conservation efforts you have initiated: closely monitor drainage - to repair erosion by roads or natural drainage
- b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved: NA

**Reduction in Diversions:**

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

**Reduction in consumptive use:**

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES ☐ NO ☐

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES \_\_\_\_ NO X
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion: NA  
Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG)

State the type of substitute water supply: \_\_\_\_\_

Amount of substitute water supply used:  
Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES \_\_\_\_ NO \_\_\_\_

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES X NO \_\_\_\_ for cattle watering
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used: NA

Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of groundwater. YES \_\_\_\_ NO \_\_\_\_

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: 6/26, 2005 at 1877 Merk Rd, Waterville, California 95076

SIGNATURE: Richard E. Fagiolini

PRINTED NAME: RICHARD (first name) E (middle initial) FAGIOLINI (last name) CO-OWNER

COMPANY NAME: ESTON KAWAIA RANCH

If there is insufficient space for your answers, please use the space provided below.

ITEM

CONTINUATION

A, C & D see notes within item, p. 1

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
P.O. BOX 2000, SACRAMENTO, CA 95812-2000  
(916) 657-2170

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

99 JUN 15 PM 3:48

DIV. OF WATER RIGHTS  
SACRAMENTO

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1999

OWNER OF RECORD: JUSTIN M FAGGIOLI, N F PATTY

JUSTIN M FAGGIOLI  
377 MERK RD  
WATSONVILLE, CA 95076

STATEMENT NO: S001586

SOURCE: DRY CREEK  
TRIBUTARY TO: KAWEAH RIVER  
COUNTY: TULARE  
DIVERSION

WITHIN: SW¼ OF NW¼ SECTION 11, T17S, R27E, MB&M.

TELEPHONE NUMBER:

(408) 724-3558

YEAR OF FIRST USE: 1900

PARCEL NO:

- A. Water is used under: Riparian claim ☒ Pre 1914 right ☐ Other (explain): Ditch right owned to wter at take off on Dry Creek
- B. Year of first use (Please provide if missing above) \_\_\_\_\_
- C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: Gallons \_\_\_\_\_ Acre-feet \_\_\_\_\_ Other \_\_\_\_\_

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
1996	(depends on flow of Dry Creek)				✓	✓	✓	✓					
1997				✓	✓	✓	✓	✓	✓				
1998			Repaired wter				✓	✓	✓				

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 2000 pasture acres; Stockwatering 50 AU; Domestic \_\_\_\_\_

Other (specify) \_\_\_\_\_

- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.) Sec C above; wter repaired 1998

- F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

- a. Describe any water conservation efforts you may have started: covered 96 pipe & 97-98 installed new 12" plastic pipe along across ditch right from wter to a point closer to irrigation use.

- c. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:

19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg)

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES \_\_\_\_\_ NO ☒

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
P.O. BOX 2000, SACRAMENTO, CA 95812-2000  
(916) 657-2170

- b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg)

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES \_\_\_\_\_ NO X *but, in drought years we supplement diverted water with groundwater*
- b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg)

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: 6/12 19 99 at Watsonville, CA 95076, California

X SIGNATURE: Georgiana Paggioli

PRINTED NAME: GEORGIANA P. PAGGIOLI CO-OWNER  
(first name) (middle init.) (last name)

RANCH  
COMPANY NAME: ESWOM KOWEAT RANCH

If there is insufficient space for your answers, please use the space provided below.

ITEM CONTINUATION


GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and per 1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

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S-1 586

## SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1996.

OWNER OF RECORD: JUSTIN M FAGGIOLI, N F PATTY

JUSTIN M FAGGIOLI  
377 MERK ROAD  
WATSONVILLE, CA 95076

SOURCE: DRY CREEK  
TRIBUTARY TO: KAWEAH RIVER  
COUNTY: TULARE  
DIVERSION

STATEMENT NO: S001586

TELEPHONE NUMBER:  
(408) 724-3558  
YEAR OF FIRST USE: 1900  
PARCEL NO:

WITHIN: SW¼ OF NW¼ SECTION 11, T17S, R27E, MB&M.

A. Water is used under: Riparian claim ☒; Pre 1914 right \_\_\_\_\_; Other (explain) ditch right turned

B. Year of first use (Please provide if missing above) \_\_\_\_\_

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☐ Acre-feet ☐ (other) Note start for 93 & 94  
previously reported 6/10/95

YEAR	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL ANNUAL
1993			✓	✓	✓	✓	✓	✓					
1994			✓	✓	✓	✓	✓	✓					
1995			✓	✓	✓	✓	✓	✓					

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 20 - 40 acres; Stockwatering 55 animal units; Domestic \_\_\_\_\_

Other (specify) \_\_\_\_\_

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.) No changes in method; new and ditch repairs started in 95 were completed in 96 (including new pipe installed)

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: JUNE 20, 1996, at Watsonville, California

SIGNATURE: Georgiana Paggioli co-owner

PRINTED NAME: GEORGIANA PATTY FAGGIOLI (CO-OWNER)  
(FIRST NAME) (M. NAME) (LAST NAME)

RANCH  
COMPANY NAME: ESITON-KAWEAH RANCH

See back of page for General Information. If there is insufficient space for your answers, please number them in the space provided on the back of this form.

NONE





STATE WATER RESOURCES CONTROL BOARD  
Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95810  
901 P ST. SACRAMENTO, CA  
(916) 322-4503

5-1586

STATE WATER RESOURCES CONTROL BOARD

1993 APR -1 PM 1:30

DIV. OF WATER RIGHTS  
SACRAMENTO

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

STATEMENT NO:

JUSTIN M FAGGIOLI and  
GEORGIANA P. FAGGIOLI  
377 MERK RD  
WATSONVILLE, CA 95076

1586

TELEPHONE NUMBER:  
(408) 724-3558  
or (415) 435-9603

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: DRY CREEK

TRIBUTARY TO: KAWEAH RIVER

COUNTY: TULARE

DIVERSION at apx center of NW 1/4 of sec. 11, T17S R27E MDB&M  
thence through ditch right, now owned by FAGGIOLI, to FAGGIOLI  
LAND WITHIN the SOUTH 1/2 of SECTION 11, T17S R27E, MDB&M

INSTRUCTIONS: Please complete Items A, B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, (Additional information on reverse side of this form.)

A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☐ Acre-feet ☒ sec. ft (other)

Ⓚ Per below - no water taken 91 or 92, only minor amount in 1990 - not enough to irrigate  
In "normal" flow - ditch flow apx 3 sec. feet, flowing 24 hr

Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1991 - Drought year	no water taken	no water taken	no water taken	no water taken	no water taken	no water taken	no water taken	no water taken	no water taken	no water taken	no water taken	barely flowed to pasture
1991 - Drought year	"	"	"	"	"	"	"	"	"	"	"	(repaired diversion ditch)
1990 - Flowed short time	→	→	→	→	→	→	→	→	→	→	→	weakly - 32 days

B. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 20-40 ac hay and pasture (in "normal" years)

Stockwatering up to 50 animal units (cattle)

Domestic

Other (specify)

C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

No change in take off weir but during 1991 dry year,  
repaired ditch.

D. If part of the water listed in Part A consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

NA

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: Mar. 27, 19 93, at Watsonville, California

Signature:

Georgiana P. Faggioli  
GEORGIANA P. FAGGIOLI

7:11  
ALTO CORRALITOS  
Water Rights, Box 2000, Sacramento, CA 95812-2000  
1-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov  
ENTAL STATEMENT OF WATER DIVERSION AND USE  
tion below is inaccurate, please line it out in red and provide current information.  
this office if ownership or address changes occur during the coming year.  
te and Return This Form by July 1, 2002.  
ent's name, address or phone No. is wrong or missing, please correct.  
ord: JUSTIN M FAGGIOLI  
PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING:  
JUSTIN M FAGGIOLI  
377 MERK RD  
WATSONVILLE, CA 95076

S001586  
1999, 2000, 2001  
Paw 6/30/02 4 of 7

STATEMENT NO.: S001586  
CONTACT PHONE NO.: (916) 724-3558  
FOR ONLINE REPORTING AT  
www.waterrights.ca.gov  
USER NAME: S001586  
PASSWORD: C04130

STATE WATER RESOURCES  
CONTROL BOARD  
JUL - 1 AM 8:07  
MIN OF WATER RIGHTS

Year of First Use: 1900  
Parcel Number:

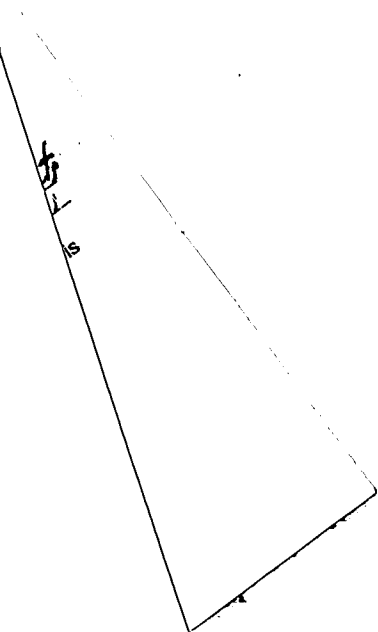
Other (explain): Ditch right owned  
to wier at take off from  
Dry Creek

- A. Water is used under: Riparian claim ☒ Pre 1914 right  
B. Year of first use (Please provide if missing above)  
C. Amount of Use - Enter the amount (or the approximate amount) of water used each month.

Year	Amounts below are:						Acre-feet		Other	Sept	Oct	Nov	Dec	Total Annual
	Jan	Feb	Mar	Apr	May	June	July	Aug						
1999														
2000														
2001														

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.  
Irrigation 20 ac pasture 50 ac  
E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)  
Other (specify) Domestic  
time to time, call to usually watered  
from ground well water.

- F. Please answer only those questions below which are applicable to your project.  
1. Conservation of water  
a. Are you now employing water conservation efforts? YES ☒ NO ☐  
Describe any water conservation efforts you have initiated: improving access to grass for her  
water available. water to pasture.  
b. If credit toward beneficial use of water under claimed pre-1914 appropriative water right for water not used due to a conservation effort claimed under section 1011 of the Water Code, please show the amounts of water conserved:  
Reductions in Diversions: (af/mg) yr  
Reductions in consumptive use: (af/mg) yr  
I have data to support the above surface water use reductions due to conservation efforts. YES ☐ NO ☐



## 2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES ☐ NO ☒
- b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg)  
 I have data to support the above surface water use reductions due to wastewater reclamation. YES ☐ NO ☐

## 3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES ☐ NO ☒ *but in dry season, depending on stage of pasture, we supplement with water w/ R. water*
- b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg)  
 I have data to support the above surface water use reductions due to conjunctive use efforts. YES ☐ NO ☐

I understand that it may be necessary to document the water savings claimed in "F." above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: 6/29 2002 at Watsonville, Ca 95076, California

SIGNATURE: Richard E. Faggioni

PRINTED NAME: RICHARD E. FAGGIONI CO-OWNER, and EXECUTOR for GEORGIANA P. FAGGIONI  
 (first name) (middle init.) (last name) *deceased*

Ranch  
 COMPANY NAME: ESTHON-KANEAN RANCH

If there is insufficient space for your answers, please use the space provided below.

ITEM CONTINUATION

## GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriate rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre 1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

*"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>"*

RICHARD E. FAGGIOLI  
ALTO CORRALITOS RANCH  
377 MERK ROAD  
CORRALITOS, CA 95076

27 March 93

State Division of Water Rights  
State Water Resources Control Board  
P O BOX 2000  
Sacramento, Ca. 95812-2000

S-1586 ~~WR~~

tel: (408) 724-3558 ~~OW~~

Also S-1585 (same name)  
By Phone ~~WR~~  
4-2-93

Re: Water Diversion  
No. 1586 sec. 11, T12S, R27E  
Dry Creek, Tulare Co.  
Statement of Water  
- Diversion & Use  
- Change of name  
of owners and  
address

Returned herewith is the statement form  
you kindly sent when I inquired, completed.  
I note it is slightly different in form from the  
earlier. For your reference, and information,  
enclosed is a copy of the Feb. 5, 1979 form  
completed by my father in law, C.E. Patty. The  
last I found in files.

When Mr. Patty died, and later Mrs. Patty,  
the subject property passed to <sup>DUNCAN V. PATTY</sup> my brother-in-law  
and my wife, Georgiana P. Faggioli. Subsequently  
DUNCAN PATTY'S interest was acquired by my son  
JUSTIN M. FAGGIOLI, hence the two owners'  
names on the accompanying report.

Meanwhile, except in recent drought years,  
the gates at the Dry Creek take off weir have  
been opened in April and flow continues until  
the creek gets too low in late summer.

If you need anything more, please contact  
per above - or my son or Dee Linn (near the property)  
(209) 798-0841, as indicated on the statement.

encl. 3/27/93 Statement, per above  
2/5/79  
cop Justin Faggioli

Sincerely,  
Richard E. Faggioli

*Surname*

(916) 657-1875

FAX: (916) 657-1485

**APRIL 16 1993**

In Reply Refer  
to: 332:WR:S1585 & **S1586**

Mr. Richard E. Faggioli  
377 Merk Road  
Corralitos, CA 95076

Dear Mr. Faggioli:

**STATEMENTS OF WATER DIVERSION AND USE NUMBERS 1585 AND 1586**

Pursuant to your letter of March 27, 1993, we have updated our records to show the above numbered statements in the names of Justin M. Faggiolo and Georgiana F. Faggioli.

The next supplemental statement for reporting the use of water during 1991, 1992, and 1993 will automatically be sent to the owner of record in January 1994.

Thank you for your cooperation.

Sincerely,

**ORIGINAL SIGNED BY:**

Wynne Rowlands  
Associate Land and Water Use Analyst  
Application Unit #2

bcc: KSN

WRowlands:esekul:4/12/93/shalbert:4-15-93  
shalb300:WR:S1585

5-1 586

**\*\* PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS \*\***

**STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS**

P.O. BOX 2000 SACRAMENTO, CA 95812-2000

**SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE**

STATEMENT NO: S001586  
OWNER OF RECORD: JUSTIN M FAGGIOLI

JUSTIN M FAGGIOLI  
377 MERK ROAD  
WATSONVILLE, CA 95076

STATE WATER RESOURCES CONTROL BOARD  
DIV. OF WATER RIGHTS  
SACRAMENTO  
1995 JUN 15 PM 3:17

SOURCE: DRY CREEK  
TRIBUTARY TO: KAWEAH RIVER  
COUNTY: TULARE  
DIVERSION  
WITHIN: SW¼ OF NW¼ SECTION 11, T17S, R27E, MDB&M.

TELEPHONE NUMBER: ( ) -  
YEAR OF FIRST USE: 1900  
PARCEL NO:

(If any of the above information is inaccurate or missing, please correct. Notify this office if ownership or address changes occur during the coming year.)

**COMPLETE AND RETURN THIS FORM BY JULY 1, 1995**

- A. Water is used under: Riparian claim X; Pre 1914 right \_\_\_\_\_; Other (explain) Di Fel Right owned - to Wier take off on Dry Creek
- B. Year of first use (Please provide if missing above) \_\_\_\_\_
- C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☐ Acre-feet ☐ (other) \_\_\_\_\_

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL ANNUAL
1992			✓	✓	✓	✓	Dry Creek too low - drought						
1993			✓	✓	✓	✓	✓	✓					
1994			✓	✓	✓	✓	✓	✓					

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.  
Irrigation up to 20 acres; Stockwatering 55 animal; Domestic \_\_\_\_\_  
Other (specify) \_\_\_\_\_

**\*\*\* CONTINUE ON BACK PAGE \*\*\***

\*\*\* PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS \*\*\*

- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (new pump, enlarged diversion dam, location of diversion, etc.)  
NO CHANGES (wiler and diversion ditch were repaired)

- F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 6/10, 1995, at Watsonville, California

SIGNATURE: Georgiana Paggioli

PRINTED NAME: GEORGIANA PATTY FAGGIOLI  
(FIRST NAME) (M. NAME) (LAST NAME)

RANCH  
COMPANY NAME: ESOM. KAWEAH RANCH

#### GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

"Statements of Water Diversion and Use"  
"Information Pertaining to Water Rights in California"  
"Water Rights for Stockpounds Constructed Prior to 1969"  
"Appropriation of Water in California"



STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
P.O. Box 2000  
Sacramento, CA 95812-2000

STATEMENT OF WATER DIVERSION AND USE  
INFORMATION SHEET

STATEMENT NO. S0001586  
DIVERSION SITE: Ditch right owned by same as below  
OWNER'S NAME JUSTIN M. FAGG10LI  
(FIRST) (MIDDLE) (LAST)  
PARCEL NO. SW/4 of NW/4 of sec 11, T17S R27E MDB&M  
PLACE OF USE:  
OWNER'S NAME JUSTIN M FAGG10LI  
(FIRST) (MIDDLE) (LAST)  
1. Tulare Co. ADM 064-010-18  
PARCEL NO. \_\_\_\_\_  
2. PARCEL NO. \_\_\_\_\_  
3. PARCEL NO. \_\_\_\_\_

PERSON OR FIRM TO RECEIVE ALL CORRESPONDENCE AND SUPPLEMENTAL  
STATEMENTS:

OWNER/LESSEE/AGENT/OTHER  
NAME JUSTIN M. FAGG10LI  
(FIRST) (MIDDLE) (LAST)  
MAILING ADDRESS 377 MERK RD  
WATSONVILLE, CA 95076  
(CITY) (STATE) (ZIP)  
TELEPHONE NO. (408) 724-3558

OTHERS USING ABOVE DIVERSION LOCATION:

1. NAME \_\_\_\_\_  
(FIRST) (MIDDLE) (LAST)  
MAILING ADDRESS \_\_\_\_\_  
(CITY) (STATE) (ZIP)  
TELEPHONE NO. ( ) - \_\_\_\_\_  
2. NAME \_\_\_\_\_  
(FIRST) (MIDDLE) (LAST)  
MAILING ADDRESS \_\_\_\_\_  
(CITY) (STATE) (ZIP)  
TELEPHONE NO. ( ) - \_\_\_\_\_

☐ ADDITIONAL INFORMATION CONTINUED ON BACK OF PAGE OR ATTACHED

PLEASE USE THE OTHER SIDE TO PROVIDE THE ABOVE INFORMATION FOR  
ADDITIONAL OWNERS OR PLACES OF USE AND CHECK THE ADDITIONAL  
INFORMATION BOX.

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000  
(916) 657-1875

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

STATEMENT NO: 001586

JUSTIN M & GEORGIANA P FAGGIOLI  
377 MERK RD  
CORRALITOS CA 95076

"DRY CREEK"

TELEPHONE NUMBER:  
(209) 798-1530

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: DRY CREEK

TRIBUTARY TO: KAWEAH RIVER

COUNTY: TULARE

YEAR OF FIRST USE

DIVERSION

WITHIN: SW1/4 OF NW1/4 SECTION 11, T17S, R27E, MDB&M.

STATE WATER RESOURCES  
CONTROL BOARD  
DIV. OF WATER RIGHTS  
SACRAMENTO  
1994 JUN 13 PM 3:20

COMPLETE AND RETURN THIS FORM BY JULY 1, 1994.

- A. Water is used under: Riparian claim ☒; Pre 1914 right ☒; Other (explain) Wier (gate) on Dry Creek, through ditch right to our front 1/2 of sec. 11
- B. Year of first use (Please provide if missing above) \_\_\_\_\_
- C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☐ Acre-feet ☐ (other) see notes (below)

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL ANNUAL
1991													
1992													
1993													

*Handwritten notes in table:*  
1991: gates are  
1992: gates are  
1993: gates are  
1991: Water closed May 30 - low water  
1992: gates open Apr/July but repairs on ditch reduced available ditch water until irrigation mid year - flowed until June 15  
1993: gates open  
TOTAL ANNUAL: see note "D"

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.  
Irrigation 30-40 acres; Stockwatering 50-70 animal; Domestic \_\_\_\_\_  
Other (specify) 30-40 acres of pasture irrigated - depending on water flow - gravity flows.

- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

diversion ditch repaired 1992 - also gates.

- F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: June 6, 1994, at Waterville, Ca., California

Signature: Georgiana P Faggioli

## GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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Statements of water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

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"Water Rights for Stockponds Constructed Prior to 1969"

"Appropriation of Water in California"

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RIGHTS BOARD

STATEMENT OF WATER DIVERSION AND USE

This statement should be typewritten or legibly written in ink.

A. Name of person diverting water Clarence E. and M. Frances Patty **S 1586**  
Address P O Box 111 Menlo Park, California 94025

B. Name of body of water at point of diversion Dry Creek  
Tributary to Kaweah River

C. Place of diversion SW 1/4 of NW 1/4 Section 11 Township 17 So. Range 27 E. MD 11  
Tulare County, or locate it on sketch of section grid on reverse side with regard to section lines or prominent local landmarks.

D. Name of works Open ditch - from temporary rock and sack dam

E. Capacity of diversion works approx 3 cu. ft. per second  
Capacity of storage reservoir None, excepting as dam backs water up stream bed  
State quantity of water used each month in gallons or acre-feet

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
				X	X	X							

If monthly and annual use are not known, check months in which water was used. State extent of use in units, such as acres of each crop irrigated, average number of persons served, number of stock watered, etc. approx. 50 acres of pasture land, borders irrigation ditch which is one-half mile long across our land - subirrigating, also some flood irrigating; former owner used more water in creek irrigated 20 acres of grapes a very rough estimate 25 acre-feet.  
Minimum annual water use in recent years none  
Type of diversion facility: gravity Yes ~~XXXXXX~~  
Method of measurement: rock ~~flow~~ ~~check power~~ ~~other~~ ~~estimate~~ Yes

F. Purpose of use (what water is being used for) Irrigating pasture land and stock watering to build up water in ground so as to extend pasture season

G. General description or location of place of use (use sketch of section grid on reverse side if you desire).  
The point of diversion is on the neighboring land (Homer Ranch) approx. 1/4 No. of our property - and the right is deeded ditch right across this neighbors land - to carry water to fairly level pasture land, see E above.  
H. Year of first use as nearly as known We understand the ditch was constructed by and used extensively by Boquette in early 1900's.

I. Name of person filing statement C.E. Patty  
Position owner Organization Individual  
Address P O Box 111 Menlo Park, California 94025

I certify that the foregoing statements are true and correct to the best of my knowledge and belief.

Date signed June 27 1967 Signature C.E. Patty

Dec 1966 storms - severe - and this area included in disaster area - our ditch at diversion badly damaged will require extensive repairs See instructions on Reverse Side  
SWRB 20 (6-66) 5-722-00-00-0 77700-007 6-66 SWRB 10A-007